



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

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MAR 13 1992

Judith R. Hykel
Assistant Regional Counsel (3RC23)
U.S. Environmental Protection Agency-Region III
841 Chestnut Building
Philadelphia, PA 19107

Elizabeth M. Chipinski
Attorney
Pennzoil Company
Pennzoil Place
P.O. Box 2967
Houston, Texas 77252-2967

Re: Pennzoil Products Company
EPA SPCC Docket No. MD-89-005

Dear Counsel:

I have been designated as the Presiding Officer in this proceeding, a hearing on EPA's Notice of Violation and Proposed Civil Penalty issued to Respondent Pennzoil Products on or about January 28, 1992 under Section 311(j)(2) of the Clean Water Act, 33 U.S.C. § 1321(j)(2). By letter dated March 4, 1992 counsel for Respondent requested a hearing. I note that the Regional Administrator's Order of Assignment named Pennzoil Company, rather than Pennzoil Products Company, as the Respondent in the case. I also note that the Order should have been dated March 11, 1992, and that the Regional Hearing Clerk's certificate of service erroneously referred to a motion for extension of time that is not involved in this case. The procedures for the hearing are set forth in 40 C.F.R. Part 114, "CIVIL PENALTIES FOR VIOLATION OF OIL POLLUTION PREVENTION REGULATIONS."

The procedures encourage settlement of this proceeding. See 40 C.F.R. § 114.3(b). The procedures also require that the hearing be scheduled for the earliest practicable date. See 40 C.F.R. § 144.5(b). I note Ms. Chipinski's suggestion regarding an informal settlement conference contained in her March 4, 1992 request for hearing.

In order to document for the record the status of settlement negotiations and to determine the earliest practicable date for the hearing, I will hold a **prehearing conference** by telephone under 40 C.F.R. § 114.8. This conference will begin at **10:00 AM on Wednesday, April 8, 1992**, or as soon thereafter as I can make the

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necessary arrangements. Please be prepared to discuss the status, but not the content, of settlement negotiations, the timing, location and length of the hearing and any other matter which may expedite the hearing or aid in disposition of the issues in dispute.

If you cannot be available for the prehearing conference at this time, please contact my office immediately. My telephone number is (215) 597-9853. In doing so, please avoid discussion of the merits of the hearing, as such communications may impair my ability to conduct a fair and impartial hearing.

Thank you for your cooperation in this matter.

Very truly yours,


BENJAMIN KALKSTEIN
Presiding Officer

cc: Regional Hearing Clerk (3RC00)